

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ISIDRO ROMAN,

Plaintiff,

v.

PATRICK EATON, et al.

Defendants.

No. 1:23-cv-00671-SAB (PC)

ORDER DIRECTING CLERK OF COURT TO  
RANDOMLY ASSIGN A DISTRICT JUDGE  
TO THIS ACTION

FINDINGS AND RECOMMENDATIONS  
RECOMMENDING DISMISSAL OF CLAIMS  
AND DEFENDANTS

(ECF No. 16)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On January 18, 2024, the Court screened Plaintiff's second amended complaint and found that he stated cognizable a cognizable retaliation claim against Defendant K. Jackson. (ECF No. 15.) However, Plaintiff failed to state any other cognizable claims. Plaintiff was granted one final opportunity to file an amended complaint or notify the Court of his intent to proceed on the claims found to be cognizable. (*Id.*) On February 12, 2024, Plaintiff filed a notice of intent to proceed on the claims found to be cognizable. (ECF No. 16.)

Accordingly, it is HEREBY ORDERED that the Clerk of Court shall randomly assign a District Judge to this action.

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Further, it is HEREBY RECOMMENDED that:

1. This action proceed against Defendant K. Jackson for retaliation in violation of the First Amendment; and
2. All other claims be dismissed from the action for failure to state a cognizable claim for relief.

These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may file written objections with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: **February 14, 2024**

  
UNITED STATES MAGISTRATE JUDGE